

Labor Management Relations

Political Activities

**Summary of Changes.** This regulation establishes policy for political activities of California National Guard Technicians. It replaces the Technician Personnel Manual, Chapter 10, dated Mar 2000.

**Applicability.** California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management.

**Proponent and Exception Authority.** The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulations.

**Supplementation.** Supplementation of this regulation is prohibited.

**Suggested Improvements.** Users of this regulation are invited to send comments and suggested improvements to Office of the Adjutant General, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

**Distribution.** Distribution of the regulation is Army - A and Air Force - F.

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1. References.

In accordance with Title 5, Code of Federal Regulations Chapter 734, Hatch Act Reform Amendments of 1993, political permitted activities and political prohibited activities are as follows:

2. Subpart B – Permitted Activities

a. *s734.201* Exclusion from Coverage.

(1) *s734.201* Permitted Activities: Employees may take an active part in political activities, including political management and political campaigns, to the extent not expressly prohibited by law, and this part.

b. An employee may:

(1) Express his or her opinion privately and publicly on political subjects.

(2) Be politically active in connection with a question, which is not specifically identified, with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.

(3) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization of the United States Government or the District of Columbia Government in which he or she is employed.

*Example 1:* An employee may participate, including holding office, in any nonpartisan group.

Such participation may include fundraising as long as the fundraising is not in any way connected with any partisan political issue, group, or candidate, and as long as the fundraising complies with part 2635 of this title as well as any other directives that may apply, e.g. the Federal Property Management Regulations in 41 CFR Chapter 101.

*Example 2:* An employee, individually or collectively with other employees, may petition or provide information to Congress as provided in 5 U.S.C. 7211.

c. **s734.204** Participation in Political Organizations:

An employee may:

- (1) Be a member of a political party or other political group and participate in its activities.
- (2) Serve as an officer of a political party or other political group, a member of National, State, or local committee of a political party, an officer or member of a committee of a political group, or be a candidate for any of these positions.
- (3) Attend and participate fully in the business of nominating caucuses of political parties.
- (4) Organize or reorganize a political party organization or political group.
- (5) Serve as a delegate, alternate or proxy to political gathering.

d. **s734.205** Participation in Political Campaigns:

Subject to the prohibitions in *s734.306*, an employee may:

- (1) Display pictures, signs, stickers, badges, or buttons associated with political parties, candidates for partisan political groups, as long as these items are displayed in accordance with the provisions of a *s734.306* of subpart C of this part.
- (2) Initiate or circulate a nominating petition for a candidate for partisan political office.
- (3) Canvass for votes in support of or in opposition to a partisan political candidate for political party office.
- (4) Endorse or oppose a partisan political candidate or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material.
- (5) Address a convention, caucus, rally, or similar gathering of a political party or political group in support of or in opposition to a partisan political candidate or a candidate for political party office.
- (6) Take an active part in managing the political campaign of a partisan political candidate or a candidate for political party office:

*Example 1:* An employee may appear in a television or radio broadcast which endorses a partisan political candidate and is sponsored by the candidate's campaign committee, a political party, or a partisan political office.

*Example 2:* An employee may manage the political campaign of a candidate for public office including supervising paid and unpaid campaign workers.

*Example 3:* While not on duty, a Federal employee may distribute campaign leaflets by hand to homes or parked cars even though the leaflet may contain information concerning where to send contributions among other factual material about a partisan political candidate. However, should a member of the public stop the employee and request further information about contributions about condition, the employee should refer that request to another campaign worker who is not a federal employee.

*Example 4:* an employee may place in his or her front yard a sign or banner supporting a partisan political candidate.

e. **s734.206** Participation in Elections

An employee may:

- (1) Register and vote in any election.
- (2) Act as recorder, watcher, challenger, or similar officer at polling places.
- (3) Serve as an election judge or clerk, or in a similar position.
- (4) Drive voters to polling places for a partisan political candidate, partisan political group, or political party.

*Example:* An employee may drive voters to polling places in a privately owned vehicle, but not in a Government-owned or leased vehicle.

f. **s734.207** Candidacy for Public Office:

An employee may:

- (1) Run as independent candidate in a partisan election covered by 5 CFR part 733; and
- (2) Run as a candidate in a nonpartisan election.

*Example 1:* An employee who is a candidate for public office in a nonpartisan election is not barred by the Hatch Act from soliciting, accepting, or receiving political contributions for his or her own campaign; however, such solicitation, acceptance, or receipt must comply with part 2635 of this title as well as any other directives that may apply, e.g. The Federal Property Management Regulations in CFR Chapter 101.

g. **s734.208** Participating in Fundraising

- (1) An employee may make a political contribution to a political party, political group, and campaign committee of a candidate for public office in a partisan and multi-channel political committee of a Federal labor or Federal employee organization.

(2) Subject to the prohibitions stated in section 734.303, an employee may:

- (a) Attend a political fundraiser;
- (b) Accept and receive political contributions in a partisan election described in 5 CFR part 733;
- (c) Solicit, accept, or receive uncompensated volunteer services from any individual; and
- (d) Solicit, accept, or receive political contributions, as long as:
  - (A) The person who is solicited for a political contribution belongs to the same Federal labor organization, or Federal employee organization, as the employee who solicits, accepts, or receives the contribution.
  - (B) The person who is solicited for a political contribution is not a subordinate employee; and
  - (C) The request is for contribution to the multi-candidate political committee of the Federal labor organization or to the multi-candidate political committee of a Federal employee organization in existence on October 6, 1993.

(3) Subject to the provisions of §734.306, an employee may make a financial contribution to a political action committee through a **voluntary allotment made under** §550.311(b) of this chapter, if the head of the employee's agency permits agency employees to make such allotments to political action committees.

(4) An employee who is covered under this subpart and is a payroll official in an agency where employees are permitted to make allotments to political action committees may process the completed direct deposit forms for voluntary allotments which have been made to such committees under section 550.311(b) of this title.

*Example 1:* An employee's name may appear on an invitation to a political fundraiser as a guest speaker as long as the reference in no way suggests the employee solicits or encourages contributions, as prohibited in §734.303 of this part and described in example 2 there under. However, the employee's official title may not appear on an invitation to any political fundraiser, except that of an employee who is ordinarily addressed using a general term of address, such as "The Honorable" may use or permit the use of that term of address for such purposes.

*Example 2:* An employee who is not on duty may participate in a phone bank soliciting the uncompensated services of individuals. However, an employee may not make phone solicitations for political contribution even anonymously.

*Example 3:* An employee may serve as an officer or chairperson of a political fundraising organization or committee as long as he or she does not personally solicit, accept, or receive political contributions. For example, the employee may organize or manage fundraising activities as long as he or she does not violate the above prohibition.

*Example 4:* The head of a cabinet-level department may contribute one of her worn-out cowboy boots to the campaign committee of a Senatorial candidate to be auctioned/raffled for benefit of the candidate's campaign.

*Example 5:* An employee may help organize a fundraiser including supplying names for the invitation list as long as he or she does not personally solicit, accept, or receive contributions.

*Example 6:* An employee on travel may engage in political activity when he or she is not on duty without taking annual leave.

*Example 7:* A Federal employee may solicit, accept, or receive the uncompensated volunteer services of any individual, except a subordinate employee, to work on behalf of a partisan political candidate or organization. However, such solicitation, acceptance, or receipt must comply with part 2635 of this title as well as any other directives that may apply, e.g. the Federal Property Management Regulations in 41 CFR Chapter 101. Further, Federal employees are subject to criminal anti-coercion provisions found at 18 U.S.C. 610.

*Example 8:* An employee who desires to make a financial contribution to a political action committee through a voluntary allotment, may personally obtain blank direct deposit forms from his or her payroll office. However, he or she may not complete the form while he or she is on duty, on Federal property, or in Federally owned or leased vehicles. Moreover, he or she may not personally deliver his or her completed form, or the completed form of another employee, to the payroll office. However, the employee may mail his or her direct deposit form to his or her agency payroll office.

*Example 9:* Employees who are permitted to solicit, accept, or receive political contributions under the circumstances described in §734.208(b)(4) may not solicit, accept, or receive such contributions either while they are on duty, or while they are on Federal premises, or both.

### 3. Subpart II – Prohibited Activities.

a. §734.302 Use of Official Authority; Prohibition:

(1) An employee may not use his or her official authority or influence for the purposes of interfering with or affecting the result of an election.

(2) Activities prohibited by paragraph (a) of this section, but are not limited to:

- (a) Using his or her official title while participating in political activity;
- (b) Using his or her authority to coerce any person to participate in political activity; and
- (c) Soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

*Example 1:* An employee who signs a letter seeking uncompensated volunteer services from individuals may not identify himself or herself by using his or her official title. However, the employee may use a general form of address, such as “The Honorable”.

*Example 2:* A non career member of the Senior Executive Service, or another employee covered by this subpart, may not ask his or her subordinate employees to provide uncompensated individual volunteer services for a political party, partisan political group, or candidate for partisan political office. Moreover, he or she may not accept or receive such services from a subordinate employee who offers to donate them.

*Example 3:* An employee may not require any person to attend a partisan political campaign in order to win a Federal contract.

**b. s734.303 Fundraising.**

An employee may not knowingly:

- (1) Personally solicit, accept or receive a political contribution from another person, except under the circumstances specified in s734.208(b);
- (2) Personally solicit political contributions in a speech or keynote address given at a fundraiser.
- (3) Each agency or instrumentality of the United States of District of Columbia Government shall determine when a matter is pending political candidate as long as the group has not been specifically targeted as having matters before the employing office.

*Example 1:* An employee with agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before the employing office.

**c. s734.306 Participation in Political Activities While on Duty, in Uniform, in Any Room, or Building Occupied in the Discharge of Official Duties, or Using a Federal Vehicle.**

(1) An employee may not participate in political activities subject to the provisions of subpart C of this part:

- (a) While he or she is on duty.
- (b) While he or she is wearing a uniform, badge, insignia, or other similar item that identifies the employing agency or instrumentality or the position of the employee.
- (c) While he or she is in any room or building in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality therefore; or
- (d) While in the government-owned or leased vehicle or while using a privately owned vehicle in discharge of official duties.

d. The prohibition in paragraph (a) of this section does not apply to employees covered under subpart E of this part.

*Example 1:* While on leave without pay, an employee is not subject to the prohibition in s734.306(a)(1) because he or she is not on duty. However, while on leave without pay, the employee remains subject to the other prohibitions in subpart C.

*Example 2:* An employee who uses his or her privately owned vehicle on a recurrent basis for official business may place a partisan bumper sticker on the vehicle, as long as he or she covers the bumper sticker while the vehicle is being used for official duties.

*Example 3:* An employee who uses his or her privately owned vehicle on official business, must cover any partisan political bumper sticker while the vehicle is being used for official duties, if the vehicle is clearly identified as being on official business.

*Example 4:* A non-career member of the Senior Executive Service, or any other employee covered by this subpart, who uses his or her privately owned vehicle only on occasional basis to drive to another Federal agency for a meeting, or to take a training course, is not required to cover partisan political bumper stickers on his or her vehicle.

*Example 5:* An employee may not place a partisan political bumper sticker on any Government owned or Government leased vehicle.

*Example 6:* An employee may place a bumper sticker on his or her privately owned vehicle and park his or her vehicle in a parking lot of an agency or instrumentality of the United States Government or in a non-Federal facility for which the employee receives a subsidy from his or her employing agency or instrumentality.

*Example 7:* When an agency or instrumentality of the United States Government leases offices in a commercial building and that building includes the headquarters of a candidate for partisan political office, an

employee of that agency or instrumentality may do volunteer work, when he or she is not on duty, at the candidate's headquarters and in other areas of the building that have not been leased to the Government.

*Example 8:* A Government agency or instrumentality leases all of the space in a commercial building; employees may not participate in political activity in the public areas of the leased building.

*Example 9:* If a political event begins while an employee is on duty and continues into the time when he or she is not on duty, the employee must wait until he or she is not on duty to attend the event. Alternatively, an employee may request annual leave to attend the political event when it begins.

*Example 10:* Officials of labor organizations who have been given official time to perform representational duties are on duty.

*Example 11:* An employee may stuff envelopes for a mailing on behalf of a candidate for partisan political office while the employee is sitting in the park during his or her lunch period if he or she is not considered to be on duty during his or her lunch period.

*Example 12:* An employee who works at home may engage in political activities at home when he or she is not in a pay status or representing the Government in an official capacity.

*Example 13:* A non career member of the Senior Executive Service, or any other employee covered by this subpart, may not wear partisan political buttons or display political pictures, signs, stickers, or badges while he or she is on duty or at his or her place of work.

*Example 14:* An employee may not engage in political activity in the cafeteria of a Federal building, even if the cafeteria is in space leased by a contractor.

*Example 15:* An employee who contributes financially to a political action committee through a voluntary allotment made under *s550.311(b)* of this title may not complete the direct deposit forms while he or she is on duty, in a "room or building" defined in *s734.101* or in a Federally owned or leased vehicle.

*Example 16:* An employee who contributes financially to a political action committee through a voluntary allotment may not personally deliver his or her completed direct deposit form, or the completed direct deposit form of another employee, to the payroll employees who would process or administer such forms. However, the employees may mail his or her direct deposit form to his or her agency payroll office.

**f. *s734.307* Campaigning for a Spouse or Family Member:**

An employee covered under this subpart who is the spouse or family member of either a candidate for partisan political office, candidate for political party office, or candidate for public office in a nonpartisan election, is subject to the same prohibitions as other employees covered under this subpart.

*Example 1:* An employee who is married to a candidate for partisan political office may attend a fundraiser for his or her spouse, stand in the receiving line, sit at the head table, and urge others to vote for his or her spouse. However, the employee may not personally solicit, accept, or receive contributions of money or the paid or unpaid services of a business or corporation, or sell or collect money for tickets for the fundraiser.

*Example 2:* An employee who is the daughter of a candidate for partisan office may appear in a family office.

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